

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Higher Education Appropriations Committee

BILL: CS for CS/SB 696

INTRODUCER: Higher Education Appropriations, Higher Education Committee and Senators Oelrich and Gaetz

SUBJECT: Community Colleges

DATE: March 20, 2008 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harkey	Matthews	HE	Fav/CS
2.	Fournier	Johansen	FT	Favorable
3.	Bryant	Hamon	HI	Fav/CS
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

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|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

The bill revises community colleges' ability to enter into debt by:

- Authorizing a community college board of trustees to use any authorized available revenue to repay a debt for any loan, lease-purchase, or other financial contract for a term of up to five years;
- Authorizing a community college board of trustees to pledge capital improvement and parking fees to secure the repayment of a debt for a term up to seven years in duration;
- Maintaining the requirement to use the Division of Bond Finance to issue bonds up to 20 years in duration;
- Providing that revenue bonds may not be secured or paid from, directly or indirectly, tuition, financial aid fees, the Community College Program Fund, or any other operating revenue of a community college; and
- Requiring the community college board of trustees to authorize all debt incurred by its direct-support organizations.

The bill also renames Daytona Beach Community College as Daytona Beach College and Indian River Community College as Indian River College.

The bill amends ss. 1000.21, 1001.64, 1004.70, 1009.22, and 1009.23, Florida Statutes.

II. Present Situation:

Statutory Authority

Community college boards of trustees may contract for the purchase, sale, lease, license, or acquisition of goods, materials, equipment, and services required by a community college.¹ The board of trustees may borrow funds and incur debt, which may be backed by the revenues from capital improvement fees and parking fees as authorized in ss. 1009.22(6) and (9), F.S., and 1009.23(11) and (12), F.S.²

Workforce Education Postsecondary Student Fees

For students enrolled in the community college's postsecondary workforce programs, the board of trustees is authorized to assess a capital improvement fee and parking fees, among other fees.³ A board of trustees may pledge its capital improvement fee revenues to repay debt, including lease-purchase agreements and revenue bonds with a term of less than 20 years and not exceeding the useful life of the asset being financed, for the purposes of new construction and equipment, renovation, or remodeling of educational facilities.⁴ The board of trustees may use the Division of Bond Finance (division) to issue any bonds backed by a pledge of capital improvement fee revenues.⁵ Similarly, the board of trustees may use parking fee revenues as a dedicated revenue source for the repayment of debt and revenue bonds of the same duration.⁶ The board of trustees must use the division to issue any revenue bonds backed by parking fee revenue.⁷

Community College Student Fees

For students attempting college credit, a community college board of trustees is authorized to assess a capital improvement fee and parking fees, among other fees.⁸ A board of trustees may pledge its capital improvement fee revenues to secure the repayment of debt, including lease-purchase agreements with an overall term of seven years or less.⁹ Revenue bonds may be issued for a term not exceeding 20 annual maturities and not exceeding the useful life of the asset being financed.¹⁰ The Division of Bond Finance must be used to issue revenue bonds secured with capital improvement fee revenues.¹¹ Similarly, parking fee revenues may be used to secure the repayment of debt, including lease-purchase agreements and revenue bonds with a term not

¹ s. 1001.64(26), F.S.

² s. 1001.64(38), F.S.

³ s. 1009.22(6) and (9), F.S.

⁴ s. 1009.22(6), F.S.

⁵ *Id.*

⁶ s. 1009.22(9), F.S.

⁷ *Id.*

⁸ s. 1009.23(11) and (12), F.S.

⁹ s. 1009.23(11), F.S.

¹⁰ *Id.*

¹¹ *Id.*

exceeding 20 years and the useful life of the asset being financed.¹² The board of trustees must use the division to issue revenue bonds that are secured with a pledge of parking fee revenues.¹³

Current Practice

Community colleges have bonds in the aggregate of \$115.2 million, which were reviewed by the Division of Bond Finance. However, community colleges have incurred an additional \$31.7 million in long-term debt that was not reviewed by the division, seizing on s. 1001.64(38), F.S., which the colleges have determined authorizes them to borrow funds and incur debt without the necessity of division review. Purportedly, the community colleges maintain that they can obtain a better interest rate from local banks or more beneficial terms under a certificate of participation.

State Community Colleges

Florida's 28 community colleges are named in s. 1000.21, F.S. Five of the institutions are no longer called community colleges but are called colleges.¹⁴

III. Effect of Proposed Changes:

Short-term and Long-term Debt Financing

The bill revises each community college board of trustees' authority to enter into debt by providing different requirements for short-term and long-term debt. The bill limits the authority of community college district boards of trustees to enter into short-term financing for the purchase, sale, lease, license, or acquisition of goods, materials, and services required by the community college to five years or less. The financing must be subject to an annual appropriation by the board of trustees.

The boards of trustees may incur long-term debt for a term up to seven years, through the use of promissory notes, installment sales agreements, lease-purchase agreements, certificates of participation (COPS), and other long-term financing arrangements backed by capital improvement and parking fees as authorized in ss. 1009.22(6) and (9), F.S., and 1009.23(11) and (12), F.S.

Capital Improvement Fees

Sections 1009.22(6), F.S., and 1009.23(11), F.S., relate to capital improvement fees authorized under workforce and college credit respectively for community colleges. The bill requires a community college board of trustees to use the Division of Bond Finance to issue long term revenue bonds pledged by capital improvement fees. The division may pledge capital improvement fees collected by participating community colleges to secure the bonds. The community college district boards of trustees are not required to use the division if the board pledges capital improvement fee revenues for the repayment of debt of less than seven years in duration.

Community College Operating Revenue

¹² s. 1009.23(12), F.S.

¹³ *Id.*

¹⁴ Chipola College, Edison College, Miami Dade College, Okaloosa-Walton College, and St. Petersburg College.

The bill provides that revenue bonds may not be secured or paid from, directly or indirectly, tuition, financial aid fees, the Community College Program Fund, or any other operating revenue of a community college.

Community College Direct-Support Organization

The bill requires a community college board of trustees to authorize all debt incurred by a direct support organization. The board of trustees may delegate short-term loans and lease-purchase agreements to the direct support organization if the terms of the agreements are five years or less.

Daytona Beach Community College and Indian River Community College

The bill renames Daytona Beach Community College as Daytona Beach College and Indian River Community College as Indian River College.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill increases Division of Bond Finance oversight of the issuance of revenue bonds backed by community college capital improvement fees and parking fees. This will improve the community college bonding process and assist the Division of Bond Finance in better managing the state debt ceiling.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Higher Education Appropriations on March 19, 2008.

- Deletes authorization for a community college board of trustees to issue revenue bonds up to 20 years in duration without using the Division of Bond Finance;
- Deletes authorization for funds in the Community College Program Fund to be used to pay debt service on revenue bonds if needed;
- Provides that revenue bonds may not be secured or paid from the Community College Program Fund or any other operating funds of a community college;
- Renames Daytona Beach Community College as Daytona Beach College.

CS by Higher Education Committee February 6, 2008.

The committee substitute renames Indian River Community College as Indian River College

- B. **Amendments:**

None.